

## REMARKS

Applicants respectfully request consideration of the subject application.

This Response is submitted in response to the Office Action mailed November 7, 2006. Claims 1-5, 7, 8, 10, 13-15, 20, 22, 23, 25-29, 32, 34, 35, 37, 38, 41, 43-45, 56 and 57 are pending. Claims 1-5, 7, 8 and 25-27 are withdrawn. Claims 10, 13-15, 20, 22-23, 28-29, 32, 34, 35, 37, 38, 41, 43-45, 56 and 57 are rejected. In this Amendment, claims 10, 14, 22, 23, 28, 32, 37 and 41 have been amended. No new matter has been added.

### Election/Restrictions

Applicants affirm their earlier election to prosecute without traverse the invention of Group II, claims 10, 13-15, 20, 22-23, 28-29, 32, 34, 35, 37, 38, 41, 43-45, 56 and 57, drawn to serving advertisements on multiple windows/web pages, classified in class 705, subclass 14.

### 35 U.S.C. § 101 Rejections

The Examiner has rejected claim 23 under 35 U.S.C. § 101 because the claimed invention lacks patentable utility. Applicants have amended claim 23 as suggested by the Examiner. Applicants, accordingly, respectfully request withdrawal of the rejections under 35 U.S.C. § 101.

### 35 U.S.C. § 112 Rejections

The Examiner has rejected claims 10, 13-15, 20, 22-23, 28-29, 32, 34, 35, 37, 38, 56 and 57, under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claims 10, 22-23, 28, 32 and 37 to clarify any ambiguity in the claims. Applicants, accordingly, respectfully request withdrawal of the rejections under 35 U.S.C. § 112.

### 35 U.S.C. §§ 102 and 103 Rejections

The Examiner has rejected claims 10, 13, 14, 22-23, and 57 under 35 U.S.C. § 102(b) as being anticipated by Marsh, et al (U.S. Patent No. 5,848,397, hereinafter "Marsh"). The Examiner has rejected claims 15, 20 and 56 under 35 U.S.C. § 103(a) as being unpatentable over Marsh and claims 28, 29, 32, 34, 35, 37, 41 and 43-45 under 35 U.S.C. § 103(a) as being unpatentable over Marsh in view of JAVA SCRIPT programming ("Java Script", Ready, 1996 New Riders Publishing, hereinafter "JAVA").

Marsh is directed to an advertisement-supported email service. Marsh discloses that the email may include banner advertisements (which appear above the workspace on the user's video monitor). Marsh also discloses that showcase

advertisements (which occupy most or all of the workspace) can be displayed during periods of on-line activity.

Marsh discloses that email users should be encouraged to minimize on-line access, but this is problematic because existing email systems do not permit advertisements to be displayed and/or updated when the user is off-line. This is accomplished, in Marsh, by providing an advertisement display scheduler on each individual user's computer, and which manages the presentation of advertisements to users. The advertisement display scheduler, on the client's computer system, receives the advertisements from a server system, connected to the client's computer system over a network.

Java Script is directed to HTML code that can be used with a function to open a new window with specific attributes for Web site designers.

Claims 10, 13-15, 20, 22-23 and 56-57

Neither Marsh nor Java Script discloses displaying different sizes and/or types of advertisements in three separate windows or web pages, as claimed. In Marsh, a banner advertisement and a showcase advertisement may be presented in the same window when the system is on-line. However, Marsh does not disclose displaying advertisements in separate windows or web pages. Java Script discloses code for opening a customized window when a user selects a

button to open the customized window from a web page. Java Script does not disclose three separate windows or web pages having different sizes and/or types of advertisements.

Even if Java Script and Marsh are combined, they, together, fail to disclose all of the limitations of independent claims 10, 22 and 23.

In contrast, as presently claimed in independent claims 10, 22 and 23, each of a brand component, small form of an advertisement and a large form of an advertisement is different windows or web pages. As explained in the present specification, the brand component focuses a visitor's interest and attention onto the company and brand, the small form of the advertisement allows a visitor to see an entire copy of the advertisement at one time, and the large form of the advertisement creates an even greater impression and impact for the visitor.

Claims 28, 29, 34, 35, 38, 43-45, 56 and 57

Neither Marsh nor Java Script discloses serving a second page having an advertisement such that the first page is not viewable to the user.

The Examiner submits it would be obvious to display Marsh's advertisements using Java Script such that one advertisement is not visible.

Applicants respectfully disagree.

. . . . .

In Marsh, the banner advertisement and the showcase advertisement are shown displayed on the same web page (i.e., both advertisements are visible). In Java Script, the customized window is shown displayed over the original web page; however, a portion of the original web page is still visible in Java Script. Although Java Script discloses that the size of the window can be specified in the code, the Examiner has provided no support in Java Script or in Marsh for why one of skill in the art would be motivated to provide the second page having an advertisement such that the first page having a brand component is not viewable. Applicants, accordingly, respectfully request the Examiner provide such motivation.

Accordingly, Applicants submit the Examiner has failed to produce a prima facie case of obviousness.

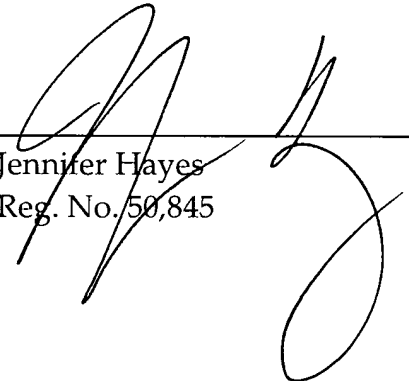
The cited art fails to teach or suggest all of the limitations of independent claims 10, 22, 23, 28, 32, 37 and 41. Claims 13-15, 20, 29, 34, 35, 38, 43-45, 56 and 57 depend, directly or indirectly, from one of the foregoing independent claims. Applicants, accordingly, respectfully request withdrawal of the rejections under 35 U.S.C. § 102 and § 103.

Applicants respectfully submit that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Jennifer Hayes at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,  
Blakely, Sokoloff, Taylor & Zafman LLP

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